

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KRISTINA M. ANDERSON (HOLMES),

CASE NO. C10-05603 BHS/JRC

REPORT AND RECOMMENDATION

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of
Social Security Administration,

Defendant.

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the parties' stipulated motion to remand the matter to the administration for further consideration. (ECF No. 17.)

After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and reverse and remand this matter to the Commissioner.


1 On remand, based on the parties' stipulation, this Court recommends that the
2 Administrative Law Judge hold a new hearing and issue a new decision. The ALJ should:

- 3 • reevaluate the treating source opinions of Kahlil Shasha, M.D., and the examining
4 source opinions of Shirley Deem, M.D., in accordance with 20 C.F.R §§ 404.1527,
5 416.927, SSRs, ("Social Security Rulings") and Ninth Circuit case law; and explain
6 the weight given.
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8 • reevaluate Plaintiff's credibility, and all third party lay statements, in accordance with
9 SSR 96-7p and SSR 06-03p.
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11 • reevaluate Plaintiff's residual functional capacity and, if necessary, continue with the
12 sequential evaluation process.

13 This Court further recommends that the ALJ take any other actions necessary to develop
14 the record. In addition, Plaintiff should be allowed to submit additional evidence and arguments
15 to the ALJ on remand.

16 Given the facts and the parties' stipulation, the Court recommends that the District Judge
17 immediately approve this Report and Recommendation and order the case be **REVERSED** and
18 **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

19 DATED at this 4th day of March, 2011.

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22 J. Richard Creatura
23 United States Magistrate Judge
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